

REMARKS

The Examiner has objected to the drawings under 37 C.F.R. §1.83(a). This objection is obviated. The Examiner suggests that every feature of the invention specified in the Claims should be shown. No Claims have been canceled. Therefore, Applicant has inserted a new drawing (Figure 2) which specifies all of the features of the Claims. In particular, Figure 2 illustrates the infusion pump 10, the blocking device 18, the memory 14, the comparator 16, the external control device 20, the first computer 12 and the second computer 22. As stated before, there is no need to illustrate the quantitative figure, as suggested by the Examiner, since it is not a structural element. Also, the computer, set forth Claim 6 and Currently Amended Claims 10 and 12 if the first computer. Accordingly, it is not shown twice. And, since all of the elements illustrated in new Figure 2 have been previously set forth in the Claims, nothing that could be construed as new matter has been introduced. Applicant also wishes to point out that he submits herewith a new copy of Figure 1 although nothing in Figure 1 has been changed. Applicant merely wishes to provide a better (cleaner) copy of Figure 1 to the USPTO since the originally filed copy appears to be light and probably wouldn't reproduce well. Withdrawal of the objection to the Drawings is respectfully requested.

LARSON & LARSON,
ATTORNEYS
AT
LAW

11199-69th STREET N.
LARGO, FL 33773-5504
PH. 727-546-0660
FAX 727-545-1595

The Examiner has also objected to the Specification under 37 C.F.R. §1.75(d)(1) suggesting that proper antecedent basis for the claimed subject matter is not set forth in the Specification. This objection is obviated.

First, in accordance with Figure 2 been inserted into the application, Applicant has inserted a short description for Figure 2 under the Heading of Description of the Drawings. This of course begins on a separate sheet in accordance with the *Suggested Revised Format for Making Amendments*. Since there are now two figures in the application, Applicant amended the Specification in the first and fourth paragraphs of the Specification under the Heading of Detailed Description of the Preferred Embodiment to delineate the description of the two figures.

Secondly, Applicant has added a full paragraph at the end of the Detailed Description of the Preferred Embodiment within the Specification to properly described the elements that the Examiner felt lacked proper antecedent basis - namely, blocking device 18, the quantitative figure, first computer 12 and second computer 22 have all been inserted within the subject last paragraph now appearing at the end of the section entitled Detailed Description of the Preferred Embodiment. Applicant wishes to note that he has chosen to supply a copy of the entire Detailed Description along with the amendments

LARSON & LARSON,
ATTORNEYS
AT
LAW

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LARGO, FL 33773-5504
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included therein since such Detailed Description was considerably short in length. It is the hope of the Applicant that this would be more convenient for the Examiner. Finally, since each and every element set forth in the amended Specification appears in the Claims, nothing that could be construed as new matter has been introduced. Withdrawal of the objection to the Specification is respectfully requested.

The Examiner has rejected Claim 6-12 under 35 U.S.C. §102(b) as being unpatentable over Fischell (WO 84/03218). This rejection is traversed. Claim 6 is the only independent claim, since Claims 7-12 all depend therefrom. Accordingly, if Claim 6 is allowable, then Claims 7-12 must also be allowable. As is well known, an invention is allowable under 35 U.S.C. §102(b) so long as the invention has not been patented or described in a printed publication in the US or a foreign country or in public use or on sale in the US, more than one year prior to date of the application for patent in the US. A proper rejection under §102(b) requires that each and every element of the claimed invention be disclosed in the prior art reference cited there against. Applicant has thoroughly reviewed the Fischell reference and fails to find each and every element of Applicant's invention of Claim 6. In particular, Applicant fails to find any reference in Fischell to the comparator within the computer, an important

LARSON & LARSON,
ATTORNEYS
AT
LAW

11199-69th STREET N.
LARGO, FL 33773-5504
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limitation to Applicant's invention of Claims 6-12. As set forth in Applicant's invention, the comparator constantly compares a figure which is the result of a summation of the total amount of medicament delivered so far minus an expected breaking down (half-life) of the medicament delivered against a pre-determined, permissible value (maximum permitted dosage). This is an improvement over what is known as the sliding scale method of the prior art. In fact, the Fischell reference clearly states that the Fischell invention is a shifting window device (or sliding time window/slot method) (see Fischell, page 5, lines 10-18). This is the exact problem noted in the prior art that Applicant has improved upon. Nowhere in Fischell is it disclosed that the use of a comparator within the computer is employed to constantly compare a figure which is the result of a summation of the total amount of medicament delivered so far minus an expected breaking down (half-life) of the medicament delivered against a pre-determined, permissible value. Fischell never addresses the breaking down principle of the medicament and how that information may be used to determine a maximum permissible dosage through the use of a comparator within the computer. Applicant's novel invention of Claims 6-12 has solved this shifting window problem and permits the patient to receive the actual maximum permissible amount of medicament at any given

LARSON & LARSON,
ATTORNEYS
AT
LAW

11199-69th STREET N.
LARGO, FL 33773-5504
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time because the computer, through the use of the comparator is constantly determining the actual value of the medicament in the body at such given time and blocking the pump from delivering what may be a toxic amount of medicament.

Applicant's invention of Claims 6-12 is not just determining what may be the maximum permissible amount of medicament that may be supplied over a window (i.e., 3-hour or 24-hour period of time). Accordingly, each and every element of the invention of Claims 6-12 are not disclosed in Fischell. No comparator is disclosed in Fischell. Therefore the rejection under 35 U.S.C. §102(b) can not stand. Withdrawal of the rejection to Claims 6-12 is respectfully requested.

The Examiner has also rejected Claims 6-8 under 35 U.S.C. §102(b) as being anticipated by Petre et al., US Patent No. 4,392,849. This rejection is traversed. As stated before, Claim 6 is the only independent claim of which Claims 7-8 depend thereupon. Accordingly, if Claim 6 is allowable, then Claims 7-8 must also be allowable. The Examiner contends that Petre discloses an infusion pump having an electronic control device, a computer, a blocking device and a comparator.

Applicant does not necessarily disagree that Petre discloses a comparator. However, the intended purpose for the Petre comparator is clearly defined and in no manner operates or is used for the same purpose as in Applicant's invention of

LARSON & LARSON,
ATTORNEYS
AT
LAW

11199-69th STREET N.
LARGO, FL 33773-5504
PH. 727-546-0660
FAX 727-545-1595

Claims 6-12, of which has been clearly delineated in Applicant's Claims 6-8. In particular, Petre discloses a comparator 46 which compares a blood pressure reading of the patient against a preselected desired level at which the blood pressure should be at any given time or after the introduction of medication from an infusion pump (see Petre column 5, lines 7-14). The comparator element of the Petre invention is concerned with vital statistics of the patient (acting more as a monitoring device). Petre's comparator is not concerned, as Applicant is in his invention of Claims 6-8, with the amount of medicament that has been delivered and how that medicament may be breaking down in the patient's body so that the patient can infuse the maximum amount of medicament without causing toxicity. As clearly set forth in Claim 6 by Applicant, the comparator is constantly comparing a figure which is the result of a summation of the total amount of medicament delivered so far minus an expected breaking down (half-life) of the medicament delivered against a pre-determined, permissible value (maximum permitted dosage). For this reason, the rejection to Claims 6-8 can not stand. Withdrawal of the rejection under 35 U.S.C. §102(b) is respectfully requested.

In view of the above Amendments and Remarks, it is believed that claims 6-12 are in a condition for allowance.

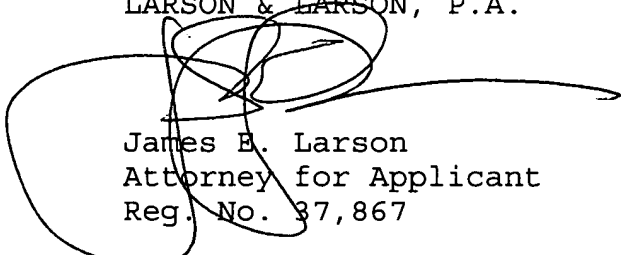
LARSON & LARSON,
ATTORNEYS
AT
LAW

11199-69th STREET N.
LARGO, FL 33773-5504
PH. 727-546-0660
FAX 727-545-1595

Such action is earnestly solicited.

Respectfully Submitted,

LARSON & LARSON, P.A.



James E. Larson
Attorney for Applicant
Reg. No. 37,867

LARSON & LARSON,
ATTORNEYS
AT
LAW

11199-69th STREET N.
LARGO, FL 33773-5504
PH. 727-546-0660
FAX 727-545-1595

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